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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,502	04/24/2006	Andreas Giefer	72187	1616
23872	7590	08/18/2009	EXAMINER	
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			JOHNSON, PHILLIP A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,502

Applicant(s)

GIEFER ET AL.

Examiner

PHILLIP JOHNSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Status of Claims***

The amendment filed on May 7, 2009 is acknowledged. Claims 1 – 15 and 17 – 21 are pending in this application. Claim 16 has been cancelled. The Examiner acknowledges the addition of claim 21. As amended, claims 1, 9 and 10 overcome the 35 U.S.C 112, second paragraph rejection cited in the previous office action.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or canceled from the claim(s). No new matter should be entered.

- Adapter has a plastic molding.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining

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figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. **Claims 1 – 8 and 11 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami (USP 5,706,701) in view of Kim (USP 4,558,609).** Murakami discloses (Fig. 1) all of the limitations of a similar device comprising:

- A housing structure (25).
- A selector lever (24).
- A hand knob (element 1 with constituent parts 4 and 5).
- A switch (3).
- An adapter (Fig. 6 – element 9) mounted at said selector lever.
- Said adapter defining a connection between said selector lever and said hand knob (Fig. 5A).
- A shifting gate (26).

Murakami fails to disclose said adapter having said switch integrated therewith.

Kim (see Fig. 1 – 3), in a similar device, teaches an adapter (41) having a switch (assembly 50, 54) integrated therewith that reduces the assembly complexity, thereby improving serviceability over knobs with integrated switches.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Murakami to include an adapter having a switch integrated therewith, as taught by Kim, for the purpose of reducing assembly complexity, thereby improving serviceability.

Re claim 2, the combination of Murakami and Kim discloses said switch integrated in said adapter including a means (Murakami; Fig. 6 – element 6) for transmitting electrical and/or optical signals.

Re claim 3, the combination of Murakami and Kim discloses said adaptor having a switch interface (Murakami; Fig. 6 - element 16) for a connection cable (15).

Re claim 4, the combination of Murakami and Kim discloses a line (Murakami; Fig. 6 – element 6) for transmitting electrical and/or optical signals wherein said adapter has an exterior surface defining at least one said recess (9d), said line being disposed in said recess.

Re claims 5 and 6, the combination of Murakami and Kim discloses said adapter having a switch display part (Kim; Fig. 1 or 2 – top surface of push button 53).

Re claim 7, the combination of Murakami and Kim discloses said adapter having at least one guide element (Murakami; Fig. 6 – vertical rib portions disposed between guides 9c) for positioning hand knob.

Re claim 8, the combination of Murakami and Kim discloses said adapter has a boring, into which said selector lever can be at least partially inserted (Murakami; Fig. 1).

Re claim 11, the combination of Murakami and Kim discloses said adapter has a plastic molding (Murakami; col. 4, lines 35 – 36: *"The skeleton frame 9 is preferably formed of electrical-insulating hard synthetic resin..."*), which is injection-molded on the selector lever via an injection molding process (*refers to a process of making a product and, therefore, has not been given any patentable weight. The patentability of a product does not depend on its method of production - MPEP 2113*).

Re claim 12, the combination of Murakami and Kim discloses said adapter having an actuator button part (Kim; Fig. 1 – push button 53) connected to said switch.

Re claim 13, the combination of Murakami and Kim discloses said hand knob having an opening for access to said actuator button (Kim; Fig. 1).

Re claim 14, the combination of Murakami and Kim discloses said actuator button part also comprising a switch display part (Kim; Fig. 1 or 2 – top surface of push button 53).

4. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami in view of Kim and in further view of Tucker (USP 7,032,074).** The combination of Murakami and Kim discloses all of the limitations set forth above, but fails to disclose wherein said adapter is fastened to said lever via a screw connection

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Tucker teaches an adapter (See Fig. 2) fastened to a lever via a screw connection that provides a serviceable shift device assembly for fastening at a selector lever.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined device of Murakami and Kim to include an adapter fastened to said lever via a screw connection, as taught by Tucker, for the purpose of providing a serviceable shift device assembly.

5. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami in view of Kim and in further view of Nedachi (USP 5,588,329).** The combination of Murakami and Kim discloses all of the limitations set forth above, but fails to disclose wherein said adapter is fastened to said lever via a clip connection

Nedachi teaches (Fig. 1) an adapter (2) fastened to a lever (1) via a clip connection that provides a quick and reliable connection that reduces assembly time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined device of Murakami and Kim to include an adapter fastened to said lever via a clip connection, as taught by Nedachi, for the purpose of providing a quick and reliable connection that reduces assembly time.

6. **Claims 15 and 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami in view of Kim.** Murakami discloses (Fig. 1) all of the limitations of a similar device comprising:

- A support structure (not shown, but inherent to figure).

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- A selector lever (24) connected to said support structure (not shown, but inherent to figure).
- A connection cable (Fig. 6 – element 15).
- An adapter (Fig. 6 – element 9) mounted to said selector lever.
- Said adapter having an adapter outer surface, said adapter outer surface defining a recess (Fig. 6 - 9d), said connection cable being located within said recess.
- A hand knob (element 1 with constituent parts 4 and 5) forming a gripping surface.
- Said adapter defining a connection between said selector lever and said hand knob (Fig. 5A).
- The diameter of the selector lever and the adapter is smaller than a shift gap defined by side edges of a shift gate (26).

Murakami fails to disclose said adapter having an integrated switch.

Kim (see Fig. 1 – 3), in a similar device, teaches an adapter (41) having an integrated switch (assembly 50, 54) that reduces the assembly complexity, thereby improving serviceability over knobs with integrated switches.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Murakami to include an adapter having an integrated switch, as taught by Kim, for the purpose of reducing assembly complexity, thereby improving serviceability.

Accordingly, the combination of Murakami and Kim discloses said integrated switch including a switch interface (Murakami; Fig. 6 - element 16) for

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said connection cable and a means (Murakami; Fig. 6 – element 6) for transmitting electrical and/or optical signals.

Re claim 17, the combination of Murakami and Kim discloses said connection cable having a line (Murakami; Fig. 6 – element 6), said line transmitting said electrical and/or optical signals from said transmitting means to said support structure wherein said adapter has at least one recess (Murakami; Fig. 6 - element 9d) in which said line is disposed.

Re claim 18, the combination of Murakami and Kim discloses said adapter having at least one guide element (Murakami; Fig. 6 – vertical rib portions disposed between guides 9c) for positioning said hand knob.

Re claim 19, the combination of Murakami and Kim discloses said adapter having a part with at least one of an actuator button part (Kim; Fig. 1 – push button 53) and a switch display part connected to said switch (top surface of push button 53).

Re claim 20, the combination of Murakami and Kim discloses said hand knob having an opening for access to said at least one of an actuator button part and a switch display part connected to said switch.

7. **Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami in view of Kim.** Murakami discloses (Fig. 1) all of the limitations of a similar device comprising:

- A support structure (not shown, but inherent to figure).
- A selector lever (24) connected to said support structure (not shown, but inherent to figure).

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- A connection cable (Fig. 6 – element 15) having one or more lines.
- An adapter (Fig. 6 – element 9) mounted to said selector lever.
- Said adapter having an adapter outer surface, said adapter outer surface defining a recess (Fig. 6 – recess 9d), said one or more lines (6) being located within said recess.
- A hand knob (element 1 with constituent parts 4 and 5) forming a gripping surface.
- Said adapter defining a connection between said selector lever and said hand knob (Fig. 5A).
- The diameter of the selector lever and the adapter is smaller than a shift gap defined by side edges of a shift gate whereby the shift gate is passed over said selector lever and said adapter, said hand knob being arranged on said adapter.

Murakami fails to disclose said adapter having an integrated switch.

Kim (see Fig. 1 – 3), in a similar device, teaches an adapter (41) having an integrated switch (assembly 50, 54) that reduces the assembly complexity, thereby improving serviceability over knobs with integrated switches.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Murakami to include an adapter having an integrated switch, as taught by Kim, for the purpose of reducing assembly complexity, thereby improving serviceability.

Accordingly, the combination of Murakami and Kim discloses said integrated switch including a switch interface (Murakami; Fig. 6 - element 16);

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and said one or more lines being connected to said switch interface (Murakami; Fig. 6).

Response to Arguments

Applicant's arguments with respect to claims 1 – 15 and 17 – 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILLIP JOHNSON whose telephone

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number is (571)270-5216. The examiner can normally be reached on MON - FRI, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phillip Johnson/
Examiner, Art Unit 3656

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656